
HOUSE BILL No. 1888

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23-20-25.

Synopsis: Multiple message highway signs. Requires the department of transportation to institute a permit system for multiple message highway signs and to adopt rules concerning their positioning, size, and placement.

Effective: July 1, 2003.

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January 23, 2003, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1888

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-23-20-25 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. (a) **As used in this**
3 **section, "multiple message sign" means a sign, display, or device:**

4 **(1) on which the message or copy is changed electronically by**
5 **movement or rotation of panels or slats; and**

6 **(2) that is not illuminated by flashing, intermittent, or moving**
7 **lights when the sign is in a fixed position.**

8 **(b)** The department shall institute a permit system to regulate the
9 erection and maintenance of outdoor advertising signs, **including**
10 **multiple message signs as any other signs of comparable size**, along:

11 (1) the interstate and primary system, as defined in 23 U.S.C.
12 131(t) on June 1, 1991; and

13 (2) any other highways where control of outdoor advertising signs
14 is required under 23 U.S.C. 131.

15 ~~(b)~~ **(c)** Except as provided in subsections ~~(c)~~ **(d)** and ~~(g)~~ **(h)**, a sign
16 may not be erected, operated, used, or maintained in areas described in
17 subsection ~~(a)~~ **(b)** unless the owner of the sign has obtained a permit



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under this section.

~~(c)~~ **(d)** A permit is not required to erect, operate, use, or maintain the following signs:

- (1) Directional or official signs and notices.
- (2) Signs advertising the sale or lease of the property on which the sign is located.
- (3) Signs that primarily indicate:
 - (A) the name of the business, activity, or profession conducted;
 - (B) the types of goods produced or sold; or
 - (C) the services rendered;
 on the property on which the sign is located.

~~(d)~~ **(e)** Signs in existence on July 1, 1993, and subject to this section:

- (1) must comply with the registration system described in subsection ~~(h)~~; **(i)**; and
- (2) are subject to the permit requirement after the department has made the determination described in subsection ~~(g)~~; **(h)**.

~~(e)~~ **(f)** The department shall adopt rules under IC 4-22-2 to carry out this section. Rules adopted under this section may be no broader than necessary to implement 23 U.S.C. 131 and 23 CFR 750.

~~(f)~~ **(g)** In addition to the requirements of subsection ~~(e)~~; **(f)**, rules adopted under this section must provide the following:

- (1) A list of all roadways subject to the permit requirement.
- (2) A procedure to appeal adverse determinations of the department under IC 4-21.5, including provisions for judicial review under IC 4-21.5.
- (3) A one-time fee of one hundred dollars (\$100) per structure must accompany the permit application. A permit fee may not be charged to a sign that is subject to and complies with the registration system described in subsection ~~(h)~~; **(i)**.
- (4) That a permit may not be issued for a sign erected in an adjacent area after January 1, 1968, unless:
 - (A) the sign is erected in an area described in section 5 of this chapter; or
 - (B) the permit is a conditional permit issued under subdivision (6).
- (5) That a permit may not be issued for a sign erected after June 30, 1976, outside of urban areas, beyond six hundred sixty (660) feet of the right-of-way, visible from the traveled way, and erected with the purpose of a message being read from the traveled way, unless:



- 1 (A) the sign is erected in an area described in section 5 of this
 2 chapter; or
 3 (B) the permit is a conditional permit issued under subdivision
 4 (6).
 5 (6) For the issuance of a conditional permit for a nonconforming
 6 sign that has not been acquired under section 10 of this chapter.
 7 A conditional permit issued under this subdivision may be
 8 revoked if the department subsequently acquires the sign.
 9 (7) That the department is granted the right to enter the real
 10 property on which a sign for which a permit under this section has
 11 been applied for or issued to perform reasonable examinations
 12 and surveys necessary to administer the permit system.
 13 (8) The department may revoke any permit when it is found that
 14 the permittee has provided false or misleading information and
 15 that such a finding may be cause to subsequently refuse to issue
 16 a permit.
 17 **(9) Reasonable requirements for the:**
 18 **(A) positioning;**
 19 **(B) size; and**
 20 **(C) operation;**
 21 **of multiple message signs.**
 22 **(10) Any other provisions necessary to:**
 23 **(A) administer this section; or**
 24 **(B) avoid sanctions under 23 U.S.C. 131.**
 25 ~~(g)~~ **(h)** A sign that is subject to and complies with the registration
 26 system described in subsection ~~(h)~~ **(i)** may not be declared unlawful
 27 until the later of the following:
 28 (1) The department has made a determination of permit eligibility
 29 under this section.
 30 (2) December 31, 1993.
 31 ~~(h)~~ **(i)** A separate application for registration must be submitted to
 32 the department for each structure defined in subsection ~~(d)~~ **(e)** and
 33 must:
 34 (1) be on a form furnished by the department;
 35 (2) **be** signed by the applicant or an individual authorized in
 36 writing to sign for the applicant;
 37 (3) provide information concerning the size, shape, and nature of
 38 the advertising sign, display, or device;
 39 (4) provide the sign's actual location with sufficient accuracy to
 40 enable the department to locate the sign; and
 41 (5) include a one-time registration fee of twenty-five dollars
 42 (\$25).

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1 ⊕ (j) A sign that is not registered before January 1, 1994, is a
2 public nuisance subject to section 26 of this chapter.

3 ⊕ (k) Each registrant shall fasten to each advertising sign or device
4 a label or marker provided by the department that must be plainly
5 visible from the traveled way.

6 SECTION 2. [EFFECTIVE JULY 1, 2003] (a) **Notwithstanding**
7 **IC 8-23-20-25(g)(9), as added by this act, the department of**
8 **transportation shall carry out the duties imposed upon it under**
9 **IC 8-23-20-25(g)(9), as added by this act, under interim written**
10 **guidelines approved by the commissioner of the department of**
11 **transportation.**

12 (b) **This SECTION expires on the earlier of the following:**

13 (1) **The date rules are adopted under IC 8-23-20-25(g)(9), as**
14 **added by this act.**

15 (2) **December 31, 2004.**

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